



IFW/3633

Patent  
Attorney Docket No. 82547  
Customer No. 23685

TRANSMITTAL LETTER

Inventors: Alexander Miller et al.  
Serial No: 10/579,016  
Filed: 5-11-06  
Group Art Unit: Unknown  
For: LOG-CABIN TYPE FACADE

Examiner: Unknown  
Batch No:  
Notice of Allowance:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith for the above-identified patent application are the following:


An English Translation of the International Preliminary Report on Patentability  
A return postcard

The item(s) checked below are appropriate:

1. ☐ Applicant(s) hereby petition(s) for a ( ) month extension of time to respond to an  
dated .

2. ☒ Please charge any fees or costs not accounted for to Deposit Account No. 11-  
1755.

Date: January 17, 2007

  
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Edward M. Kriegsman

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# PCT

17. Aug. 2006

Mammel & Maser  
Frist: Not:

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 54505	FOR FURTHER ACTION		See item 4 below
International application No. PCT/EP2004/012170	International filing date (day/month/year) 28 October 2004 (28.10.2004)	Priority date (day/month/year) 11 November 2003 (11.11.2003)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant MILLER, Alexander			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 12 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Box No. I    | Basis of the report   |
| <input type="checkbox"/> Box No. II              | Priority  |
| <input type="checkbox"/> Box No. III             | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input type="checkbox"/> Box No. IV              | Lack of unity of invention  |
| <input checked="" type="checkbox"/> Box No. V    | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> Box No. VI              | Certain documents cited   |
| <input type="checkbox"/> Box No. VII             | Certain defects in the international application  |
| <input checked="" type="checkbox"/> Box No. VIII | Certain observations on the international application   |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No. +41 22 338 82 70	Date of issuance of this report 27 July 2006 (27.07.2006)
	Authorized officer  Yolaine Cussac  e-mail: pt11@wipo.int

17. Aug. 2006

Mammel & Maser  
Frist: Net:

PATENT COOPERATION TREATY

TRANSLATION

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

Date of mailing See form PCT/ISA/210  
(day/month/year)

Applicant's or agent's file reference

54505

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/EP2004/012170

International filing date (day/month/year)

28.10.2004

Priority date (day/month/year)

11.11.2003

International Patent Classification (IPC) or both national classification and IPC

E04B2/70

Applicant

MILLER, Alexander

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

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WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/012170

Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material  
☐ a sequence listing  
☐ table(s) related to the sequence listing
  - b. format of material  
☐ in written format  
☐ in computer readable form
  - c. time of filing/furnishing  
☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/012170

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>1, 3-19</u>	YES
	Claims	_____	NO
Inventive step (IS)	Claims	<u>1, 3-19</u>	YES
	Claims	<u>2</u>	NO
Industrial applicability (IA)	Claims	<u>1-19</u>	YES
	Claims	_____	NO

2. Citations and explanations:

Reference is made to the following documents:

D1: US-B-6 199 332

D2: US-A-5 586 422

1. Independent Claim 1:

1.1. Document D1 (the references in parentheses are to D1), which is considered the prior art closest to claim 1, discloses a log house-type façade for covering walls in inner and outer areas, with at least two longitudinal profile elements ("siding strips" 22) for covering a wall surface, which can be arranged over each other, with corner-forming elements ("corner members" 20), which are associated with said profile elements (22) and can be cross-braced as overlapping stumps, said profile elements (22) and said corner-forming elements (20) together creating the impression of a massive log house construction, the profile elements (22) being mirror-symmetrical in their longitudinal arrangement, the corner-forming elements (20) being configured as round timber stumps, which have an end face-forming cut surface ("side surface" 27) and

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

opposite this have a first planar joint surface ("solid portion" 36) and abutting this a second joint surface ("ear" 42), which is adapted to an outer side of the intersecting profile element (22) and corner-forming element (20), and the profile elements (22) and the corner-forming elements (20) form a construction set for creating a façade (11) for an outer corner and inner corner,

**from which the subject matter of claim 1 differs in that**

the profile elements (12), which are mirror-symmetrical in their longitudinal arrangement, have near their front ends a diagonal indentation (66) for a profile element (12) lying opposite each one, which is attached by the cross-brace.

1.2. A combination of features such as this is neither known from nor suggested by the available prior art and would therefore satisfy the requirements of PCT Article 33(1).

2. Dependent claims 3 to 19, insofar as they are dependent upon claim 1 (see also point 4.1), would also satisfy the requirements of PCT Article 33(1).

3. Independent Claim 2:

3.1. Document D1 (the references in parentheses are to D1), which is considered the prior art closest to claim 2, discloses a log house-type façade for covering walls in inner and outer areas, with at least two longitudinal profile elements ("siding

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Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

members" 21) for covering a wall surface, which can be arranged over each other, with corner-forming elements ("corner members" 40), which are associated with said profile elements (21) and can be cross-braced as overlapping stumps, said profile elements (21) and said corner-forming elements (40) together creating the impression of a massive log house construction, the profile elements (21) being mirror-symmetrical in their longitudinal arrangement, an intermediate piece ("connector" 28) being provided that is positioned between a profile element (21) and a corner-forming element (40) (see column 3, lines 60-63), and the profile elements (12), the intermediate pieces (14) and the corner-forming elements (16) forming a construction set for creating a façade (11) for an outer corner and inner corner, **from which the subject matter of claim 2 differs in that**

the corner-forming elements (16) are configured as round timber stumps, which have an end face-forming cut surface (46) and opposite this have a first planar joint surface (47) and abutting this a second joint surface (48), which is adapted to an outer side of the intersecting profile element (12) and corner-forming element (16).

3.2. However, these features have already been used for the same purpose in a similar façade; see document D1 (see also point 1.1, above). If a person skilled in the art wished to achieve the same aim in a façade as per document D2, he could easily apply these features to like effect to the subject matter

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Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

of D2. In this way he would arrive at a façade according to claim 2, without thereby exercising inventive skill (PCT Article 33(3)).

Additional Observations:

1. When submitting amended claims, care should be taken that the requirements of PCT Rule 13.1 (**Unity of Invention**) have been satisfied by ensuring that any independent claims are linked by a single general inventive idea. These requirements are satisfied only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" means those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.
2. Pursuant to the requirements of PCT Rule 6.3(b), an independent claim must be drafted in the **two-part form**; the features known in combination from the prior art should be placed in the preamble (see point 1.1, above).
3. The description should be adapted to the amended claims. When revising the application, in particular the introductory part, including the statement of the problem or the advantages of the invention, care should be taken that no substantive matter is added that goes beyond the content of the application as originally filed (PCT Article 34(2)(b)).



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INTERNATIONAL SEARCHING AUTHORITY

International application No.

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Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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- |    |  |
|----|--|
| 4. | Pursuant to the requirements of PCT Rule 5.1(a)(ii), the description should have cited document D2 and briefly outlined the relevant prior art contained therein. The <b>problem</b> addressed by the invention should be presented such that it is clear in what respect the invention can be considered a solution to a technical problem with respect to the known prior art (PCT Rule 5.1(a)(iii)).                                      |
| 5. | Pursuant to the requirements of PCT Rule 5.1(a)(iii), the description should have stated in what respect the invention can be considered a solution to a technical <b>problem</b> with respect to the known prior art.   |
| 6. | The applicant is requested to submit amendments on replacement sheets (so that the corresponding original pages can be exchanged), as required by PCT Rule 66.8(a). In particular, clean copies of the amendments should be submitted in triplicate. The applicant is further advised that, pursuant to PCT Rule 66.8(a), the examiner in the PCT procedure may not undertake even minor amendments.   |
| 7. | In order to simplify the examination of amended application documents in consideration of PCT Article 34(2), the applicant is requested to clearly identify the amendments undertaken, regardless of whether they involve additions, replacements or deletions, and to indicate the passages in the application as originally filed upon which these amendments are based (PCT Rule 66.8(b) and PCT Guidelines, Part VI, Chapter 20, 20.06). |

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. Pursuant to PCT Rule 11.13(m), the same feature must be provided with the same reference sign throughout the application.  
  
This requirement has not been satisfied by the use of the reference sign **66**, since it has been used to designate both an indentation in the profile elements 12 and another indentation in the corner-forming elements 16.
2. In claims 1 and 2, the phrase "with at least one longitudinal profile element" should have been replaced by the phrase "with at least **two** longitudinal profile elements", since otherwise the phrase "which can be arranged over each other" or the use of the plural (profile elements) in lines 4-5 of claim 1 or 2 cannot be understood.
3. The phrase  
"that the corner-forming elements (16) as round timber stumps"  
is probably supposed to be  
"that the corner-forming elements (16) **are configured** as round timber stumps",  
since the corresponding verb appears to be missing from claims 1 and 2.
4. Although claims 1 and 2 are drafted as separate independent claims, they seem in fact to relate to the same subject matter, the only apparent difference being in the definition of the subject

Box No. VIII Certain observations on the international application

matter for which protection is sought.

For this reason, the claims are not concise and do not satisfy the requirements of PCT Article 6.

Unjustifiable repetitions in the text, such as from another claim, should be avoided when using the dependent claim form.

- 4.1. Claims 3 and 4 refer back to claim 1. However, they mention the intermediate pieces (14), which have not been defined heretofore. All of the dependent claims should therefore be examined for lack of clarity of this type.

5. Aside from the objections mentioned above, and in order to remedy other instances of lack of clarity, as well, claim 1 should have been worded as follows (amendments struck through or printed in boldface):

Log house-type façade for covering walls in inner and outer areas, with at least ~~two one~~ longitudinal profile elements (12) for covering a wall surface, which can be arranged over each other, with corner-forming elements (16), which are associated with said profile elements (12) and can be cross-braced as overlapping stumps, said profile elements (12) and said corner-forming elements (16) together creating the impression of a massive log house construction,

characterized in that

the profile elements (12) are mirror-symmetrical in their longitudinal arrangement and have near their front ends a diagonal indentation (66) for a ~~the~~

Box No. VIII Certain observations on the international application

profile element (12) lying opposite each one, **which is attached** by the cross-brace, that the corner-forming elements (16) **are configured** as round timber stumps, ~~with an end face-forming cut surface~~ **which have** an end face-forming cut surface (46) and opposite this ~~has~~ **have** a first planar joint surface (47) and abutting this a second joint surface (48), which is adapted to an outer side of the intersecting profile element (12) and corner-forming element (16), and that the profile elements (12) and the corner-forming elements (16) form a construction set for creating a façade (11) for an outer corner and inner corner.

This wording will be assumed hereafter.

6. Similarly, and aside from the objections mentioned above, claim 2 should have been worded approximately as follows (amendments struck through or printed in boldface):

Log house-type façade for covering walls in inner and outer areas, with at least **two** ~~one~~ longitudinal profile elements (12) for covering a wall surface, which can be arranged over each other, with corner-forming elements (16), which are associated with said profile elements (12) and can be cross-braced as overlapping stumps, said profile elements (12) and said corner-forming elements (16) together creating the impression of a massive log house construction,

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characterized in that  
the profile elements (12) are mirror-symmetrical in  
their longitudinal arrangement, that an intermediate  
piece (14) is provided that is positioned between a  
profile element (12) and a corner-forming element  
(16), that the corner-forming elements (16) **are**  
**configured** as round timber stumps, ~~with an end face-~~  
~~forming cut surface~~ **which have** an end face-forming  
cut surface (46) and opposite this ~~has~~ **have** a first  
planar joint surface (47) and abutting this a second  
joint surface (48), which is adapted to an outer  
side of the intersecting profile element (12) and  
corner-forming element (16), and  
that the profile elements (12), the intermediate  
pieces (14) and the corner-forming elements (16)  
form a construction set for creating a façade (11)  
for an outer corner and inner corner.

This wording will be assumed hereafter.

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